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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,078	04/07/2000	Stephane H Maes	Y0999-273(8728-298)	1114
46069	7590	12/09/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			PRIETO, BEATRIZ	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/545,078	MAES, STEPHANE H	
	Examiner	Art Unit	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17-19,21-23,25-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15,17-19,21-23,25-34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



DETAILED ACTION

1. This communication is in response to Amendment filed 9/15/05, claims 1, 23 and 34 have been amended, claims 1, 3-15, 17-19, 21-23, 25-34 and 36-37.
2. Applicant is urged to review his statement as to the claims that remain pending in this application, specifically remarks on p. 9 of the above-mentioned amendment.

Claim Rejection under 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. Claims 1, 23 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this case, claimed limitation (a) “*an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source*”, this raises uncertainties being “multimedia”, the combination of sound, graphics, animation, and video, it is not clear if the claimed term “multimedia data” attempts to exclude audio. For the purposes of examination and as best understood, claim limitation reads “an audio indexing system for segmenting and indexing, audio and non-audio data obtained from an information source”;

(b) “*a multimedia database for storing the indexed audio and multimedia data*”, this raises uncertainties as to whether the segmented audio and non-audio data is stored;

(c) “*a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber*”; this raises uncertainties as to whether: (i) the so called “*user-selected multimedia segments*” are (or not) the segmented and indexed audio and non-audio data previously mentioned, (ii) the service so called “*multimedia broadcast on demand service*” provided to the registered subscriber, does not seem to provide the segmented and indexed audio and non-audio data previously mentioned, but “*user-selected multimedia segments*” also stored in the multimedia database where the segmented and indexed audio and non-audio are stored.

Claim Rejection under 35 U.S.C.

5. Quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

6. Claims 1, 3-15, 17-19, 21-23, 25-34, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et. al. (US 6,501,832) (Saylor hereafter) in view of Cohen et. al. (US 6,859,776) (Cohen hereafter) in further view of Cobbley et. al. (US 5,614,940)

Regarding claim 1, Saylor teaches a system comprising

a (“conversational”) browser, which provides a (“conversational”) user interface to enable access to a (“conversational”) portal (12) across a (“plurality of different modalities”) two or more multi-modal dialog (Saylor: speech-only or text via a phone or Web, respectively see col 4/lines 43-col 5/line 20);

wherein the conversational browser establishes or supports (“adapts”) an interaction dialog between the conversational portal (12) and a client (14) based on one modality supported by the client e.g. audio or visual capability (access over the phone or logging via Web see col 4/lines 43-col 5/line 8, retrieve voice or visual display of requested content see col 5/lines 9-20, text for visual display see col 8/lines 32-36);

wherein the conversational browser can retrieve one information “page” from an information source (70, 18 or 22) in response to a client’s request and server or present the retrieved page to the requesting client in a format that is compatible with one modality of the client by converting the retrieved page, if necessary to a format compatible with the client (col 8/lines 14-63, col 5/lines 4-8, and col 5/lines 9-20, text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32);

said plurality of modalities including audio (e.g. voice) and non-audio modalities (e.g. text) (col 5/lines 9-20, col 8/lines 14-36, and col 12/lines 20-44), although Saylor does not explicitly teach information (“page”) that can be rendered in two modalities.

Cohen teaches a page configure with two modalities, specifically, both graphical and voice data (col 10/lines 39-55) or configured with format supporting both voice and data (col 9/lines 32-43), associated with a browser configured to rendered respective two modalities (col 9/lines 10-25);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Saylor configuring portal with voice browser enabling access to clients across two modalities, the teachings of Cohen for enhancing voice browser with dual capabilities supporting two

modalities voice and visual data, would have been readily apparent Motivation would be to configure the browser with gateway capabilities to couple audio voice and conventional Web page information enabling user to voice from voice providers and non-voice data from Internet providers, enabling access to web pages having two modalities, such as those pages configured with markup languages that support two modalities or pages that can be converted from one modality to another for rendering, as suggested by Cohen.

Saylor further teaches providing access of said page to the user on a subscription basis to the content (col 6/lines 48-65, see registration/subscription module 7 of Figs. 2 and 7), upon user request (col 10/lines 47-61, user input request for particular content then request col 11/lines 33-43, also retrievable upon demand, e.g. via an internet protocol col 11/lines 43-52);

where the user registers/subscribed with the provider to obtain access to the content (col 7/lines 56-col 8/line 12) stored in an user accessible database (18) (col 2/lines 12-17, and col 14/lines 19-30), including audio content, text and (col 4/lines 43-col 5/line 20);

said database comprising indexed content (col 18/lines 17-23, col 8/lines 19-41), access and retrieval of desired content stored on the database is upon user request (col 10/lines 47-61, user input request for particular content then request col 11/lines 33-43, also retrievable upon demand, e.g. via HTTP protocol col 11/lines 43-52);

portal (12) comprises a plurality of modules for providing content to the user for the received user input (col 18/lines 8-12), said modules (i.e. programs) including specifically,

receiving user's input request (col 10/lines 37-46) is provided to a program (VCode identifier module) to identify the Vpage and its location. The identification of the desired page is passed to a program (VPage retrieval module), which accesses a database in communication with the VNAP to retrieve the requested content, the retrieved content is then passed to a program (VPage execution module and VPage menu module). The VPage execution module executes the VPage in conjunction with a voice output module, the voice output module generates audible output from the VPage under control of the VPage execution module and passes the audible output to the call center to relay it over the communications network to the requesting user (col 10/lines 47-61); although Saylor teaches where the databases store audio and non-audio data accessible by the subscriber, including storing the indexed audio in an index database (Saylor: col 8/lines 37-53, index database; col 18/lines 13-19), Saylor does not teach where this data is segmented;

Cobbley teachings pertaining access to information over a network, teaches system (100) for segmenting and indexing audio and non-audio data from a source (105) (col 3/lines 26-col 4/line 7),

accessible upon request (col 8/lines 24-29) by a user, specifically broadcast information is provided upon demand, i.e. upon request (col 15/lines 19-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Saylor for providing content to the client upon demand, the teachings of Cobbley would have been readily apparent. Specifically, given that content provided by a subscription based service to the user upon his/her request in the Saylor reference is indexed and comprises audio and non-audio data one would be motivated by Saylor's suggestion where the VNAP portal may also maintain an index of information or other content that is available corresponding to a user's request, e.g. storing an index of other information (in other formats), and in addition thereto, text or other content may be displayed on or output to the user's phone or other terminal device (sic), the content generated on the fly from other content e.g. news also provided in the Cobbley provides text that is used for indexing non-audio data in doing so non-audio data can be requested by subject matter as input, this text is indexing information which can be transmitted along audio broadcast along with the non-audio broadcast data such as video, as taught by Cobbley.

Claim 2 (canceled)

Regarding claim 3, the information provided by the information sources is implemented in a multi-modal representation, which is a format (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 4, computing device (transcoder), operatively associated with the conversational browser, for converting the (multi-modal) information into one specific format (modality-specific format) that corresponds to a modality of the requesting client (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 5, the conversational portal discovers, ascertain, identify (i.e. detects) the modality of the requesting client to convert the multi-modal information into the modality-specific format (Saylor: col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 6, discern (i.e. detects) the modality of the requesting client based on the registration protocols (Saylor: registration setup: transactions based on user identified registration, col 8/lines 56-col 8/line 13, subscribe registration discern modalities of client, col 16/lines 18-col 17/line 4).

Regarding claim 7, comprising a (portal directory) database (Saylor: 18 of Fig. 1, col 14/lines 19-28), accessible by the conversational browser, for storing one of an index of information sources, (Saylor: indexed: col 18/lines 13-19, index: col 8/lines 14-36).

Regarding claim 8, the information is maintained in a (multi-modal) format by a service provider (Saylor: 70 of Fig. 1, col 11/lines 43-52) of the conversational portal under business agreements between the service provider of the conversational portal and service provider of the information sources (Saylor: business arrangement: col 34/lines 14-34, business: col 38/lines 13-24).

Regarding claim 9, capturing a connection between the requesting client and the conversational portal and maintaining communication link (holding the client captive) during predetermined time periods (Saylor: col 26/lines 39-40).

Regarding claim 10, a link provided by the conversational browser is selected by the requesting client and rendered or served to the requesting client (Saylor: voice browser; col 26/lines 41-54).

Regarding claim 11, the requesting client is released when a link is directly requested by the requesting client (Saylor: col 26/lines 39-40).

Regarding claim 12, a service provider of the conversational portal provides advertisements, during time period in which the requesting client is connected (Saylor: col 26/lines 39-40).

Regarding claim 13, time period between connections established links between different information sources (Saylor: col 26/lines 39-40).

Regarding claim 14, wherein the advertisements and services are multi-modal (Saylor: content: col 2/lines 5-16, visual or audio content, & multi-modal information col 4/lines 16-28, advertisements: col 9/lines 54-58, ads; col 36/lines 48-67).

Regarding claim 15, wherein the advertisements and services are provided by the service provider on behalf of a third-party under a business agreement between the service provider of the conversational portal and third-party (Saylor: col 36/lines 48-col 37/line, third-party, col 45/lines 65-col 46/line 25).

Claim 16 (canceled)

Regarding claim 17, retrieving as discussed above, obtains desired segments from the multimedia database in response to a client request and presents such segments to the client (Saylor: col 8/lines 14-53, index database; col 18/lines 13-19) based on the I/O capabilities of the client (Saylor: col 3/line 63-col 4/line 4 format that is compatible with the I/O modalities of the requesting client col 8/lines 14-36, presented to the user: col 5/lines 4-8, provide to user visual or audio content: col 5/lines 9-20).

Regarding claim 18, the conversational browser periodically downloads multimedia data from one information source to index and store the multimedia data in the multimedia database (Saylor: col 18/lines 32-38).

Regarding claim 19, the downloading and indexing of the multimedia data of the information source is performed under a business agreement between a service provider of the conversational portal and a service provider of the information source (Saylor: col 7/lines 4-17).

Claim 20 (canceled)

Regarding claim 21, (registered) subscriber can conversationally navigate the program and select desired segments for broadcasting via the requesting client (Saylor: col 5/lines 9-20).

Regarding claim 22, however the above-mentioned prior art of record does not teach radio services upon request (i.e. upon demand) which the registered subscriber access via a wireless phone (Saylor: wireless access protocol device see col 5/lines 9-20, wireless network providers accessed over wireless phones see col 5/lines 31-37, over a wireless telephone network see col 10/lines 6-13).

Regarding claim 23, comprising features discussed on claim 1, same rationale of rejection is applicable and further:

an access device having one modality (Saylor: device supporting one modality: col 9/lines 59-col 10/line 5, client access device: col 5/lines 9-20 supporting one modality, user device: col 14/lines 10-14);
a content server (70 of Fig. 1, col 11/lines 43-52 or 18 of Fig. 1, col 14/lines 19-28).

Claim 24 (canceled).

Regarding claim 25, wherein the multi-modal content pages and applications are implemented in a modality-independent representation (Saylor: col 4/lines 43-59, multi modal, col 14/lines 56-59, multi-modal Vpages, col 21/lines 7-41).

Regarding claim 26, a voice (conversational) browser for fetching and processing a multi-modal content page for presentation to a user based on the I/O capabilities of the access device supporting user selection (Saylor: processing for presentation, i.e. rendering see col 26/lines 41-45, fetch col 29/lines 17-28).

Regarding claim 27, converting one multi-modal content page into one modality-specific representation based on detected modality of the access device (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 28, accessible by the conversational portal, for converting a modality-specific site of a content provider into a multi-modal representation (Saylor: the conversational portal discover, ascertain, identify (i.e. detects) the I/O modalities of the requesting client to convert the multi-modal information into the modality-specific format col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 29, the conversion service is provided by the content provider (Saylor: col 2/lines 21-26, 59-64) or a third-party under a business agreement with the content provider (Saylor: col 7/lines 4-23).

Regarding claim 30, an interface (conversational browser) (Saylor: interface col 5/lines 2-8) for processing and presenting one of a multi-modal content page and application received by the conversational portal (Saylor: col 10/lines 62-64).

Regarding claim 31, the conversational portal is access by calling a pre-designated telephone number (Saylor: dialing a number, col 6/lines 30-33, connect via telephone, col 25/lines 59-63).

Regarding claim 32, a listing (directory) of content server addresses (Saylor: col 14/lines 23-32).

Regarding claim 33, wherein the (portal directory) database comprises one of multi-modal content pages (Saylor: col 14/lines 23-27), associated with one content provider hosted by the conversational portal (Saylor: multi-modal pages associated with provider 70 of Fig. 1, col 11/lines 43-52)

Regarding claim 34, comprising features discussed on claims 1 and 23, same rationale of rejection is applicable, and further wherein: access to information is over a communication network (16 of Fig. 1) (Saylor: col 14/lines 14-22); establishing communication with a conversational portal using an access device (14 of Fig. 1) (Saylor: col 14/lines 1-22, access via communication link, col 5/lines 21-37, communication medium, col 11/lines 43-52).

Claim 35 (canceled).

Regarding claim 36, detecting by the conversational portal at least one modality of the access device (Fig. 8), and transcoding i.e. converting the retrieved multi-modal information into at least one modality-specific format corresponding to the at least one detect modality (Saylor: text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32).

Regarding claim 37, established communication with the user (i.e. holding the user captive) during a period in which the retrieving step is executed, presenting one of advertisements (Saylor: col 26/lines 39-40).

Claim 38 (canceled).

Response to Arguments

7. Regarding added claim limitation, applicant argues prior art does not teach added claim limitation (remarks p. 9-10), specifically, *an audio indexing system for segmenting and indexing audio and multimedia data obtained from an information source; a multimedia database for storing the indexed audio and multimedia data, and wherein the conversational portal maintains, for a registered subscriber, a program comprising user-selected multimedia segments in the multimedia database to provide a multimedia broadcast on demand service to the registered subscriber.*

In response to the above-mentioned argument, applicant's interpretation of the applied prior art has been reviewed. Claimed invention was been applied the broadest reasonable interpretation in light of the specification (see MPEP 2111/2106). In this case, for the purposes of examination and as best understood, claim limitation reads "an audio indexing system for segmenting and indexing, audio and non-audio data obtained from an information source"; the claimed term "user-selectable multimedia segments" is taken as segments, "multimedia database" is a database or equivalent storage medium, and

the claimed term “multimedia broadcast on demand service” is a service, more specifically, although not required, any service received upon request.

The applied prior art Saylor teaches providing access of said page to the user on a subscription basis to the content (col 6/lines 48-65, see registration/subscription module 7 of Figs. 2 and 7), upon user request (col 10/lines 47-61, user input request for particular content then request col 11/lines 33-43, also retrievable upon demand, e.g. via an internet protocol col 11/lines 43-52);

where the user registers/subscribed with the provider to obtain access to the content (col 7/lines 56-col 8/line 12) stored in an user accessible database (18) (col 2/lines 12-17, and col 14/lines 19-30), including audio content, text and (col 4/lines 43-col 5/line 20);

said database comprising indexed content (col 18/lines 17-23, col 8/lines 19-41), access and retrieval of desired content stored on the database is upon user request (col 10/lines 47-61, user input request for particular content then request col 11/lines 33-43, also retrievable upon demand, e.g. via HTTP protocol col 11/lines 43-52);

portal (12) comprises a plurality of modules for providing content to the user for the received user input (col 18/lines 8-12), said modules (i.e. programs) including specifically,

receiving user's input request (col 10/lines 37-46) is provided to a program (VCode identifier module) to identify the Vpage and its location. The identification of the desired page is passed to a program (VPage retrieval module), which accesses a database in communication with the VNAP to retrieve the requested content, the retrieved content is then passed to a program (VPage execution module and VPage menu module). The VPage execution module executes the VPage in conjunction with a voice output module, the voice output module generates audible output from the VPage under control of the VPage execution module and passes the audible output to the call center to relay it over the communications network to the requesting user (col 10/lines 47-61); although Saylor teaches where the databases store audio and non-audio data accessible by the subscriber, including storing the indexed audio in an index database (Saylor: col 8/lines 37-53, index database; col 18/lines 13-19).

Cobbley segmenting and indexing audio and non-audio data from a source (105) (col 3/lines 26-col 4/line 7), accessible upon request (col 8/lines 24-29) by a user, specifically broadcast information is provided upon demand, i.e. upon request (col 15/lines 19-32).

8. Applicant's argument filed along with the above-mentioned amendment has fully been considered but not found persuasive.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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